

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)	
)	
CORY A. KNOERZER and)	CASE NO. 08-21355 JPK
NAOMI KNOERZER,)	Chapter 7
)	
Debtors.)	
*****)	
KENTLAND BANK,)	
)	
Plaintiff,)	
)	
v.)	ADVERSARY NO. 10-2013
)	
CORY A. KNOERZER and)	
NAOMI KNOERZER,)	
)	
Defendants.)	

ORDER REGARDING MOTION TO CONSOLIDATE ADVERSARY
PROCEEDINGS FOR DISCOVERY AND TRIAL ("MOTION")

The Motion, filed by Kentland Bank on April 20, 2010, requests consolidation of this adversary proceeding with adversary proceeding numbers 09-2128 and 09-2127, for the purposes of pre-trial proceedings and/or trial.

No specific procedure is designated by the Federal Rules of Bankruptcy Procedure or the Federal Rules of Civil Procedure with respect to the mechanisms for seeking consolidation of separate cases pursuant to Fed.R.Bankr.P. 7042/Fed.R.Civ.P. 42 in a circumstance in which the party seeking consolidation is not a party in the case or cases with respect to which consolidation is sought. Obviously, however, consolidation of cases affects all parties involved in all cases with respect to which consolidation is sought. The Motion was filed only in adversary proceeding number 10-2013, and thus parties in the other two adversary proceedings have had no notice of the requested consolidation. Involvement of all parties in all three of the adversary proceedings with respect to the relief requested by the Motion is absolutely necessary.

IT IS ORDERED as follows:

1. The court will take no present action on the Motion.
2. Within 21 days of the date of entry of this order, Kentland Bank shall file a separate motion in adversary proceeding number 09-2128 and adversary proceeding number 09-2127 requesting the relief sought by the Motion, and shall serve the motion filed in each of those adversary proceedings upon all parties in each of those adversary proceedings.
3. In the event the foregoing is timely done, the court will schedule a hearing concurrently in all three adversary proceedings on Kentland Bank's motion for consolidation; no response by any party in any of the three adversary proceedings with respect to the relief requested by the Motion is required in advance of the hearing.
4. In the event there is no timely compliance with the requirements of paragraph 2 above, the Motion will be denied.

Dated at Hammond, Indiana on May 26, 2010.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Attorneys of Record